

REMARKS/ARGUMENTS

In the final Office Action, the Examiner rejects Claims 1, 2, 4-19, 22, and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,733 to Tso et al. in view of U.S. Patent Application Publication No. 20020040374 to Kent.

As will be explained in further detail below, Applicant submits that the pending claims are distinguishable from the cited references. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 1, 2, 4-19, 22, and 38-40.

Independent Claims 1 and 17

In the previous response, independent Claims 1 and 17 were amended to recite applying rules to content to prepare the content in a first way for both communication over an Internet channel to an Internet terminal, and for publication by the Internet terminal connected to the Internet channel; and in a second way for both communication over a non-Internet channel to a non-Internet terminal, and for publication by the non-Internet terminal connected to the non-Internet channel. The Examiner acknowledges that Tso does not teach this particular recitation of independent Claims 1 and 17 but, instead, relies on newly cited Kent. Kent discloses a method for personalizing and customizing publications. Content is selected based on preferences provided by a subscriber. The subscriber may select content manually, and/or the content may be provided automatically. The subscriber may be connected to a publisher's server via the Internet, and the custom content may be output to a printer or an electronic device (e.g., PDA).

Applicant submits that independent Claims 1 and 17 are currently distinguishable from Kent. In particular Kent does not teach or suggest applying rules to content to prepare the content in a first way for communication over an Internet channel to an Internet terminal, and for publication by the Internet terminal connected to the Internet channel; and prepare the content in a second way for both communication over a non-Internet channel to a non-Internet terminal, and for publication by the non-Internet terminal connected to the non-Internet channel, as recited by independent Claims 1 and 17. In contrast, Kent is directed to selecting content to be published rather than preparing the content in different ways for communication over distribution

channels to respective terminals and for publication by the terminals connected to the channels. For example, Kent discloses in paragraph 10 that:

With the process of the present invention, consumers can customize and personalize magazines, newspapers, and other printed products they receive or order to incorporate the layout (e.g., size of print)[.] type of content, genres of information, and the category and types of advertising that match their needs and requirements via a wizard or interactive set of questions on the publisher's website. The information received from consumers about their preferences is distributed to publishers with digital printers (or to third-party print houses) that format and personalize magazines, newspapers, and other publications to meet the needs of their subscribers, thereby resulting in increased circulation and reduced loss of subscribers.

In other words, Kent is directed to selecting particular portions of content from an original publication to create a customized publication. Kent does not disclose that any particular rules are employed to prepare the content for communication over a particular distribution channel or for publication by a particular terminal. As such, Applicant submits that the claimed invention is quite unlike the subscriber-driven method of Kent. In this regard, the claimed invention is directed to formatting content (e.g., a news story) when providing the content to different terminals (e.g., computer, PDA, etc.) via different distribution channels (Internet and non-Internet channels). Conversely, the subscriber-driven method of Kent is directed to a very different method of allowing subscribers to select specific portions (e.g., music and sports categories) of different sources of content (e.g., magazines) in order to create a personalized publication. In addition, Kent does not disclose that the content is prepared in any different way for communication over particular distribution channels. Thus, Kent does not teach or suggest applying rules to content such that the content may be formatted for communication over different distribution channels for publication by respective terminals.

Therefore, none of the cited references, taken alone or in combination, teaches or suggests independent Claims 1 and 17 of the present application, and the rejection under 35 U.S.C. § 103(a) is overcome. Claims 2, 4-19, and 22 depend directly or indirectly from, and further patentably distinguish, independent Claims 1 and 17, and are therefore also allowable for at least those reasons given above.

Independent Claim 38

Independent Claim 38 was added in the previous response and recites a rule object including a content publisher selected one of a plurality of distribution channel rules each specifying modifications to content objects so as to facilitate publication of the content over one of a plurality of different distribution channels and further including a content publisher selected one of a plurality of terminal rules each specifying modifications to content objects so as to facilitate publication of the content by one of a plurality of different terminals. Claim 38 also recites that the distribution channel rules include a first distribution channel rule content publisher selectable for Internet-based distribution of the content and a second distribution channel rule content publisher selectable for non-Internet based distribution content.

The Examiner grouped the rejection of independent Claim 38 with the rejection of independent Claim 1, but did not specifically address points made in Applicant's previous response that Tso does not teach or suggest "content publisher selected" distribution channel and terminal rules. Kent also does not disclose content publisher selected rules, as the customized method of Kent is subscriber driven, as described above. Furthermore, the Examiner did not address the fact that Tso also does not disclose providing rules relating to non-Internet-based distribution channels and non-Internet-based terminals, as Tso is only directed to distribution of content over the Internet. Moreover, as previously mentioned, Kent is directed to selecting content in order to create a customized publication based on a user's preferences and does not teach or suggest rule objects for modifying a content object based on a channel and/or terminal used in publishing the content. In addition, Kent does not disclose content publisher selected distribution channel rules and terminal rules for facilitating publication of the content over a plurality of distribution channels and terminals, respectively.

Accordingly, neither Tso nor Kent, taken alone or in combination, teaches or suggests independent Claim 38, and the rejection under 35 U.S.C. § 103(a) is overcome. Claims 39 and 40 depend directly or indirectly from, and further patentably distinguish, independent Claim 38, and are therefore also allowable for at least those reasons discussed above.

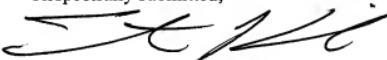
CONCLUSION

Appl. No.: 10/008,491
Amdt. dated 05/16/2007
Reply to Office action of 02/21/2007

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON May 16, 2007.